

## Chapter 312

### NUISANCES

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[HISTORY: Adopted by the Village Board of the Village of Endeavor as Ch. 13 of the 1998 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Adult entertainment — See Ch. 163.

Animals — See Ch. 176.

Brush, grass and weeds — See Ch. 192.

Peace and good order — See Ch. 325.

Pollution — See Ch. 332.

Smoking — See Ch. 368.

Solid waste — See Ch. 378.

Storage tanks — See Ch. 385.

Trees and shrubs — See Ch. 408.

Abandoned and junked vehicles — See Ch. 421.

#### § 312-1. Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Village of Endeavor.

#### § 312-2. Public nuisance defined.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- B. In any way render the public insecure in life or in the use of property;
- C. Greatly offend the public morals or decency; or
- D. Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

#### § 312-3. Public nuisances affecting health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 312-2 of this chapter:

- A. All decayed, harmful, adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- C. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- D. Garbage cans which are not flytight.
- E. All stagnant water in which mosquitoes, flies or other insects can multiply.
- F. All noxious weeds and other rank growth of vegetation.
- G. All animals running at large.
- H. The pollution of any public or private well, cistern, stream, lake, canal or other body of water by sewage, industrial waste or other substance.
- I. Any use of property, substances or things within the Village of Endeavor emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.
- J. All abandoned wells not securely covered from public use.
- K. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- L. Garbage placed for collection before 6:00 p.m. on the day the preceding the day of pickup.<sup>1</sup>

**§ 312-4. Public nuisance affecting peace and safety.**

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of § 312-2 of this chapter:

- A. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- B. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway which purport to be or may be mistaken as an official traffic

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

control device or which, because of their color, location, brilliance or manner of operation, interfere with the effectiveness of any such device, sign or signal.

- C. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- D. All limbs of trees which project over and less than 14 feet above the surface of a public sidewalk or street or less than 10 feet above any other public place.
- E. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- F. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.
- G. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
- H. All obstructions of streets, alleys, sidewalks, or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.
- I. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley, or sidewalk.
- J. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- K. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- L. Repeated or continuous violations of the ordinances of the Village or § 101.16, Wis. Stats., relating to the storage of flammable liquids.<sup>2</sup>

**§ 312-5. Abatement of public nuisances.** <sup>3</sup>

- A. Enforcement. The Chief of Police or his/her designee, the Chief of the Endeavor Moundville Joint Fire Department, the Zoning Administrator and Health Officer shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a

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2. Editor's Note: Original § 13.02(4), Prohibiting abandoned vehicles in the Village of Endeavor, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Ch. 421, Vehicles, Abandoned and Junked.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

- B. Summary abatement. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the President may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- C. Abatement after notice. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals and decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within such 10 days, the proper officer shall cause the nuisance to be removed as provided in Subsection B.
- D. Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

**§ 312-6. Recovery of abatement costs.**

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

**§ 312-7. Violations and penalties.**

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in § 1-4 of this Code. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues.